

Town Board Minutes

**Meeting
No. 35**

Regular Meeting

December 18, 1995

MEETINGS TO DATE 35
NO. OF REGULARS 24
NO. OF SPECIALS 11

LANCASTER, NEW YORK
DECEMBER 18, 1995

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 18th day of December 1995 at 8:00 P.M. and there were

PRESENT: ROBERT H. GIZA, COUNCIL MEMBER
DONALD E. KWAK, COUNCIL MEMBER
PATRICK C. POKORSKI, COUNCIL MEMBER
THOMAS H. VAN NORTWICK, COUNCIL MEMBER
LUCIAN J. GRECO, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK
ROBERT H. LABENSKI, TOWN ENGINEER
JOSEPH REINA, TOWN ATTORNEY
ROBERT L. LANEY, BUILDING INSPECTOR
THOMAS E. FOWLER, CHIEF OF POLICE
JOHANNA M. COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

EXECUTIVE SESSION:

UPON MOTION DULY MADE, SECONDED AND UNANIMOUSLY CARRIED, the Town Board voted at 8:15 P.M. to deliberate in Executive Session for the announced purpose of discussing a proposed contract between the Town Board and the Town of Lancaster Police Benevolent Association.

At 8:50 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PUBLIC HEARING SCHEDULED FOR 8:10 P.M.:

At 8:10 P.M., the Town Board held a Public Hearing to hear all interested persons upon the application of Barbara L. Perry for a Special Use Permit, for a Home Occupation (sewing, reupholstering, and costume rental) on premises locally known as 46 Pleasant View Drive, Town of Lancaster, County of Erie, State of New York.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

The Town Clerk presented copies of letters which were mailed to the Petitioner and the Erie County Division of Planning, notifying them of the time and place of this Public Hearing.

PROPOSERS

ADDRESS

James Perry, representing
the petitioner

46 Pleasant View Drive

OPPOSERS

ADDRESS

None

COMMENTS & QUESTIONS

ADDRESS

Donna Stempiak

47 Lombardy Street

ON MOTION BY COUNCIL MEMBER KWAK, AND SECONDED BY COUNCIL MEMBER GIZA AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:15 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town
Board held on December 4, 1995 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER VAN NORTWICK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, the Bowmansville Volunteer Fire Association, Inc., by
letter dated December 5, 1995, has requested the addition of a probationary
non-resident active member to the membership roster of said fire association,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby
confirms the addition to the membership of the Bowmansville Volunteer Fire
Association, Inc. of the following individual:

ADDITION

Robert Lorenz
24 Cloverleaf Drive
Depew, New York 14043

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 4, 1995

File: RFIRE (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric and Gas Corporation has submitted a proposal dated December 1, 1995, for installation of street lighting on Walden Avenue (entrance to Walden Trace Subdivision) within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the said Lighting Committee, after investigation, review and consideration has recommended acceptance of this proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric and Gas Corporation be and is hereby authorized to make the following installation on Walden Avenue (entrance to Walden Trace Subdivision) :

Walden Avenue (entrance to Walden Trace Subdivision)

Pole 46, Line 307A
Install 1 - 45000 Lumen 400 Watt HPS Luminaire

TOTAL ANNUAL INCREASE - \$314.28

and,

BE IT FURTHER

RESOLVED, that this proposal is made contingent upon the terms and conditions covered in New York State Electric and Gas Corporation's Street Lighting Tariff Agreement with the Town of Lancaster, District No. 1.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RSTREET.LIG (P5)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI, TO WIT:

WHEREAS, Joseph M. Stearns, d/b/a Advantage Trucks & Salvage Inc., 993 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 933 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review and recommendation, and

WHEREAS, the Building Inspector, by letter dated December 1, 1995, has notified the Town Board that he has completed his review and made a formal, favorable recommendation thereto,

NOW, THEREFORE, BE IT

RESOLVED, that Joseph M. Stearns, d/b/a Advantage Trucks & Salvage Inc., 933 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 933 Ransom Road, Lancaster, New York for the period January 1, 1996 to December 31, 1996 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RLICENSE.SAL

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, GlenHollow Associates, 5653 Broadway, Lancaster, New York has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within GlenHollow Subdivision, Phase IIA within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within GlenHollow Subdivision, Phase IIA, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 425 - Street Lights - Six (6)

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, Michael J. Giallanza, R. J. F. Development, JV, 5653 Broadway, Lancaster, New York has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Village on the Park, Subdivision, Phase I, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Village on the Park Subdivision, Phase I be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 412 - Street Lights - ten (10)

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK, TO WIT:

WHEREAS, Forbes Homes, Inc., 2635 Millersport Hwy, Getzville, New York has requested the Town Board of the Town of Lancaster to accept work completed under a Street Lighting Public Improvement Permit within Regents Park Subdivision, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvement and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Street Lighting Public Improvement within Regents Park Subdivision, be and is hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 422 - Six (6) Street Lights

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of a bill of sale to improvements for the property conveyed to the Town of Lancaster.
2. Receipt by the Town Clerk, within 45 days, of a maintenance bond for the improvement accepted herein in the principal amount of 25% of the value of the improvements accepted. The bond shall run for a term of two years commencing with the date of adoption of this resolution,

and

BE IT FURTHER

RESOLVED, that a copy of this resolution be directed by the Town Clerk to the New York State Electric & Gas Corporation with a request to energize the street lights herein, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of any building permit applications for construction for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER POKORSKI , TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Stony Brook Subdivision, Phase IVB within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Stony Brook Subdivision, Phase IVB be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

P.I.P. No. 414 - Water Line
P.I.P. No. 415 - Pavement and Curbs
P.I.P. No. 417 - Storm Sewer

conditioned, however, upon the following:

1. Receipt by the Town Clerk, within 45 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. Receipt by the Town Clerk, within 45 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. Receipt by the Town Clerk, within 45 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 45 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, J. Renkas and Sons, d/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 955 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review and recommendation, and

WHEREAS, the Building Inspector, by letter dated December 12, 1995, has notified the Town Board that he has completed his review and made a formal, favorable recommendation thereto,

NOW, THEREFORE, BE IT

RESOLVED, that J. Renkas and Sons, d/b/a AJ's Auto Wrecking, 955 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 955 Ransom Road, Lancaster, New York for the period January 1, 1996 to December 31, 1996 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RLICENSE.SAL (P2)

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
POKORSKI, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been notified that funding is available for construction of a hiking and biking trail in Westwood Park, through the New York State Dept. of Transportation Intermodal Surface Transportation Efficiency Act (ISTEA) Grant, and

WHEREAS, the Town Board deems it in the public interest to construct a trail of this nature, which will expand the recreational facilities provided for the residents of this Town, and

WHEREAS, the grant amounts to \$602,000.00 with the Town matching 20% or \$150,500.00 in in-kind services and non-federal funds;

NOW, THEREFORE, BE IT

RESOLVED, that LUCIAN J. GRECO, Supervisor of the Town of Lancaster, be and is hereby authorized to apply to the New York State ISTEA Transportation Enhancement Program for a grant in the sum of \$602,000.00 with the Town matching \$150,500.00 in in-kind services and non-federal funds, for the construction of a hiking and biking trail in Westwood Park in the Town of Lancaster, Erie County, New York.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: GISTEA.D95

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Chester Haniszewski, d/b/a Ransom Auto Parts Inc., 867 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 867 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review and recommendation, and

WHEREAS, the Building Inspector, by letter dated December 12, 1995, has notified the Town Board that he has completed his review and made a formal, favorable recommendation thereto,

NOW, THEREFORE, BE IT

RESOLVED, that Chester Haniszewski, d/b/a Ransom Auto Parts Inc., 867 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 867 Ransom Road, Lancaster, New York for the period January 1, 1996 to December 31, 1996 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RLICENSE.SAL (P4)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, Edward Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York 14086 has applied for a renewal license to conduct a salvage yard on premises situate at 911 Ransom Road within the Town of Lancaster, pursuant to Chapter 4-3 of the Code of the Town of Lancaster, and

WHEREAS, the application was referred to the Town Board for review and recommendation, and

WHEREAS, the Building Inspector, by letter dated December 12, 1995, has notified the Town Board that he has completed his review and made a formal, favorable recommendation thereto,

NOW, THEREFORE, BE IT

RESOLVED, that Edward Haniszewski, d/b/a Ed Henning, Inc., 911 Ransom Road, Lancaster, New York be and is hereby authorized to conduct a salvage yard on premises situate at 911 Ransom Road, Lancaster, New York for the period January 1, 1996 to December 31, 1996 in strict conformance with the application of the petitioner as filed in the Office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RLICENSE.SAL (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCILMAN POKORSKI, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has previously filed with the Erie County Department of Personnel Form PO-17 "New Positions Duties Statement" for the purpose of obtaining the appropriate service title for the anticipated position of Laborer, full time, in the Parks and Recreation Department of the Town of Lancaster, and

WHEREAS, the Erie County Department of Personnel has indicated that the appropriate title for this position is Laborer, full time,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby creates the position of Laborer, full time, in the Parks and Recreation Department of the Town of Lancaster, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to complete and execute Section 8 of Form PO-17 (New Position Duties Statement) indicating that the position of Laborer, full time, in the Parks and Recreation Department of the Town of Lancaster has been created, and

BE IT FURTHER

RESOLVED, that MARK LUBERA, 132 Grant Street, Depew, New York 14043, be and is hereby appointed to the full time position of Laborer in the Parks and Recreation Department of the Town of Lancaster, effective December 18, 1995, at an hourly rate of \$14.57 which is the hourly rate as set forth in the 1995 Schedule of Salaries as per union contract for said position, and

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED NO
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
VAN NORTWICK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50 - Zoning - Section 17 (F) of the Code of the Town of Lancaster, upon the application of BARBARA L. PERRY, for a Special Use Permit for a Home Occupation (sewing, reupholstery and costume rental) on premises locally known as 46 Pleasantview Drive in the Town of Lancaster, Erie County, New York, and

WHEREAS, persons for and against such Special Use Permit have had an opportunity to be heard;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That pursuant to Chapter 50 - Zoning - Section 17 (F), entitled "Home Occupation", of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby grant a Special Use Permit to BARBARA L. PERRY for a Home Occupation (sewing, reupholstery and costume rental) on premises locally known as 46 Pleasantview Drive in the Town of Lancaster, New York, upon the terms and conditions as set forth in the Zoning Ordinance, with the stipulation that not more than two (2) client cars be parked on or adjacent to the property at any given time;

2. That the applicant will continue in compliance with conditions numbered One through Four as set forth in Chapter 50, Section F of the Code of the Town of Lancaster as long as the applicant continues to engage in the home occupation on the premises, namely:

- a. Only persons residing on the premises shall be engaged in such an occupation.
- b. The home occupation shall be clearly incidental and subordinate to the use of the premises for residential purposes. The area devoted to the home occupation shall not exceed twenty-five percent (25%) of the ground floor area of the principal structure. It may be within the principal accessory structure.

- c. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
- d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot.
- e. There shall be no outdoor sign advertising this business.

3. This Special Use Permit terminates when the applicant no longer resides on the premises.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Town of Lancaster has submitted to Erie County an application for a youth project to advance the moral, physical, mental and social well-being of the youth of the Town of Lancaster, and

WHEREAS, the Erie County Legislature has approved the Juvenile Review Board Program sponsored by the Town of Lancaster Youth Bureau and has authorized the County Executive to execute all necessary documents and agreements with the Town of Lancaster to continue the Juvenile Review Board Program through the Erie County PINS/JD Diversion Program, and

WHEREAS, the County of Erie has submitted a proposed agreement entitled, "1996 Municipal Youth Bureau PINS/JD Division Program Agreement" (AGREEMENT);

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That the Town of Lancaster shall enter into the AGREEMENT with the County of Erie to continue a Juvenile Review Board Program sponsored by the Youth Bureau that will assist youth who have committed minor first offenses by providing an alternative to the Family Court System and provide activities which will hopefully deter the youth from committing future offenses.

2. Pursuant to the AGREEMENT, Erie County will pay to the Town of Lancaster a sum not in excess of Ten Thousand Dollars (\$10,000.00), for the term of twelve (12) months commencing January 1, 1996 and ending December 31, 1996.

3. That the Supervisor be and is hereby authorized to execute the AGREEMENT on behalf of the Town of Lancaster, and

4. Upon full execution of the AGREEMENT, a copy thereof shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER GIZA, TO WIT:

WHEREAS, BENDERSON DEVELOPMENT COMPANY, has submitted a Site Plan dated October 3, 1995 for the construction of a retail center on property located on the East Side of Transit Road, South of Wehrle Drive in the Town of Lancaster, New York, and

WHEREAS, the Planning Board has reviewed the site plan, and by memo dated October 26, 1995, has unanimously recommended approval, and

WHEREAS, a SEQR Review was held by the Town Board on November 20, 1995 at which time a Negative Declaration was issued for this project;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan prepared by C&S Engineers, Inc., dated October 3, 1995, and submitted on behalf of Benderson Development Company.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: FRSTPLNA.095.

PREFILED RESOLUTION NO. 17 - MEETING OF 12/18/95

Kwak/ _____

Accept Public Improvement For Completed Water Lines,
Storm Sewers, Pavement And Curbs, Detention Basin
Within Hunters Creek North Subdivision

At the request of Council Member Kwak, this resolution was withdrawn
for further study.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER POKORSKI , WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL MEMBER
GIZA , TO WIT:

WHEREAS, Erie County Sewer District No. 4 proposes to install new sewers and to demolish the existing Eastwood Village North pump station, and

WHEREAS, the Sewer District has requested an easement from the Town of Lancaster to be allowed to install sanitary and storm sewers in and along Harding Avenue (paper street) and Woodlawn Avenue, as set forth on plans drawn by Erie County Department of Environment and Planning - Division of Sewerage Management, Sheet No. 1, Contract No. 29L;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to execute on behalf of the Town, the easement as proposed, and upon execution thereof, a copy shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER VAN NORTWICK, TO WIT:

WHEREAS, the Superintendent of Highways has requested a transfer of funds within the Part Town Highway fund necessary to hire an additional Laborer - Grade 1.

NOW, THEREFORE, BE IT

RESOLVED, that the following transfer within the 1996 Adopted Part Town Highway Budget of the Town of Lancaster be and is hereby approved:

<u>FUND APPROPRIATION</u>	<u>Increase</u>	<u>Decrease</u>
13.5110.101 Wages - Hourly	31,735.00	
13.9040.804 Workers Comp. Insurance		17,250.00
13.5130.102 Wages - Overtime		10,000.00
13.5142.435 Chemicals		4,485.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED NO
COUNCIL MEMBER KWAK	VOTED NO
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GRECO, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 5547 to Claim No. 5826 Inclusive

Total amount hereby authorized to be paid: \$939,676.11

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

File: RCLAIMS

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER KWAK, WHO MOVED
 ITS ADOPTION, SECONDED BY COUNCIL
 MEMBER GIZA TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODE:

(SW) = Sidewalks as required by Chapter 12-1B of the Code of the Town of Lancaster are waived for this permit.

No	Code	Applicant	Street Address	Structure
3087		Donato Developers	6 Broadmoor Ct	Er. Sin. Dwlg
3088		Todd Szuminski	4723 Transit Rd	Alter Restaurant
3089		Carol Abdenshine	3717 Bowen Rd	Er/Ex Barn
3090		M. J. Ogi	33 Michael's Wlk	Er. Sin. Dwlg
3091		John W Phillips	255 Westwood Rd	Er. Pole Barn
3092		Wine & Liquor Station	4779 Transit Rd	Er. Temp. Sign
3093		Donato Developers	32 Grafton Ct	Er. Sin. Dwlg
3094		Nigel Enterprises	⁹⁸ 100 Stony Rd	Er. Sin. Dwlg
3095		Uni Mart #05020	3620 Walden Ave	Rem. Inter/Ins. Gas Window/Rep. Sign
3096		Selective Home Design Group In	21 Chestnut Corner	Er. Sin. Dwlg
3097		Marrano/Marc Equity	4 Woodgate Dr	Er. Sin. Dwlg
3098		Sunrise Bldrs. Inc	5 Quail Run Ln	Er. Sin. Dwlg
3099		Marrano Marc Equity	9 Bentley Cir	Er. Sin. Dwlg
3100		Forbes Homes Inc	35 Hillside Pkwy	Er. Sin. Dwlg

and,

BE IT FURTHER

RESOLVED, that the Building Permit applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the provisions of Chapter 12-1B of the Code of the Town of Lancaster which requires sidewalks in front of every new home.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER GIZA	VOTED YES
COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER POKORSKI	VOTED YES
COUNCIL MEMBER VAN NORTWICK	VOTED YES
SUPERVISOR GRECO	VOTED YES

December 18, 1995

Council Member VanNortwick requested a suspension of the necessary rule for immediate consideration of the following resolution -
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED BY
COUNCIL MEMBER VAN NORTWICK, WHO MOVED
ITS ADOPTION, SECONDED BY SUPERVISOR GRECO
TO WIT:

WHEREAS, the Town's Special Labor Counsel, Nicholas J. Sargent, has negotiated a three-year agreement, which expires December 31, 1998, with the Cayuga Club Police Benevolent Association, Inc., (PBA), and

WHEREAS, a proposed Agreement, as amended by a Revised Partial Memo of Agreement dated December 15, 1995 and signed by Chief of Police Thomas Fowler and Timothy Murphy, President of the PBA, has been reviewed by the Town Board and found acceptable;

NOW, THEREFORE, BE IT
RESOLVED, as follows:

1. That the proposed Agreement, as amended, by and between the Town of Lancaster and the Cayuga Club Police Benevolent Association, Inc., (PBA), for the period January 1, 1996 to December 31, 1998, be and is hereby accepted by the Town Board of the Town of Lancaster;

2. That the Supervisor be and is hereby authorized and directed to execute the proposed Agreement, as amended, on behalf of the Town of Lancaster, and all parties concerned are extended the thanks of the Town Board for the spirit in which this Agreement was consummated.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER GIZA	VOTED	YES
COUNCIL MEMBER KWAK	VOTED	YES
COUNCIL MEMBER POKORSKI	VOTED	YES
COUNCIL MEMBER VAN NORTWICK	VOTED	YES
SUPERVISOR GRECO	VOTED	YES

December 18, 1995

File: RAPBA.D95

COMMUNICATIONSDISPOSITION

786. Town Clerk to Supervisor - Monthly report for November 1995.	R & F
787. Building Inspector to Town Clerk - Recommend issuance of salvage yard license to Joseph Stearns d/b/a Advantage Trucks & Salvage.	R & F
788. Senior Citizens Social & Athletic Club to Town Board - Transmittal of By Laws.	TOWN CLERK
789. County Dept. of Health to Ferry Builders, Inc. - Transmittal of "Certificate of Approval of Realty Subdivision Plans" for Autumn Park Subdivision.	TOWN CLERK
790. ECDEP to Supervisor - Notification of automatic three year renewal (1997-1999) Erie County CD Bloc Grant Consortium Agreement.	TOWN CLERK
791. Bowmansville V.F.A. to Town Board - Notice of addition of new member to roster.	R & F
792. ECDEP to Supervisor - Extension of time granted to construct sanitary sewers within Fox Valley Estates.	TOWN CLERK
793. Depew Village Mayor to Depew, Cheektowaga, and Town Police Chiefs - Comments re: implementation of consolidation of dog control services.	TOWN CLERK
794. Eastwood North Association, Inc. - Request installation of "Right Only" or "One Way" signs on Transit Blvd. island.	TOWN CLERK
795. County Div. of Highways to Town Attorney - Transmittal of agreement re: striping of roads.	TOWN CLERK
796. NYSEG to Supervisor - List of dates of Live-Line demonstrations be held during 1996.	TOWN CLERK
797. LVAC to Various Town Officials - Request meeting to discuss Service Awards Program for LVAC members.	TOWN CLERK
798. Police Chief to Depew Village Attorney - Letter confirmation of conversation re: dog control calls within the Village of Depew.	TOWN CLERK
799. Senior Citizens Center to Town Board - Transmittal of By Laws.	TOWN CLERK
800. Lancaster Village Clerk to Town Board - Minutes from meetings held 10/9, 10/23, 11/13, and 11/27/95.	TOWN CLERK
801. James L. Guenther to Town Board - Request consideration as replacement for Planning Board member vacancy.	TOWN CLERK
802. Building Inspector to Town Clerk - Recommend issuance of salvage yard license to Ransom Auto Parts.	R & F
803. Building Inspector to Town Clerk - Recommend issuance of salvage yard license to Ed Henning, Inc.	R & F
804. Building Inspector to Town Clerk - Recommend issuance of salvage yard license to AJ's Wrecking.	R & F

COMMUNICATIONSDISPOSITION

805. Planning Board to Town Board -
Minutes from meeting held 12/6/95.
806. NYS @ Buffalo State Education Dept. to Lancaster
School District Clerk -
Notice of Determination - Positive Declaration
re: New Grades 5-6 Building on William St.
807. Christopher D. Dressel to Town Board -
Request appointment to Planning Board .

R & F

R & F

TOWN CLERK

PERSONS ADDRESSING TOWN BOARD:

Dale, David, 5121 William Street, spoke to the Town Board on the following matter:

Asked the Town Board to table its decision on acceptance of the public improvements for Hunters Creek North Subdivision until certain drainage matters can be resolved.

Joseph, Dorothy, 5962 Genesee Street, spoke to the Town Board on the following matters:

Questioned whether the Highway Superintendent requested funds in writing to create an additional position of labor in the Highway Department.

Questioned the appropriateness of Council Member Pokorski voting on this resolution since he is alleged to be the person the Highway Superintendent is considering for this position.

Moessinger, David, 1312 Ransom Road, spoke to the Town Board on the following matter:

Expressed displeasure with the Town Board's action this evening in funding an additional position of laborer in the Highway Department.

Palmeri, Kandy, 5815 Genesee Street, spoke to the Town Board on the following matter:

Urged students present at the meeting on an assignment from Mr. Java's government class to become actively involved in local government matters.

Moessinger, Debbie, 1312 Ransom Road, spoke to the Town Board on the following matter:

Reviewed for the Board her feelings on certain "loose end" items regarding Tops and the conduct of Town Board Meetings.

ADJOURNMENT:

ON MOTION OF SUPERVISOR GRECO, AND SECONDED BY THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:45 P.M.

Signed Robert P. Thill

Robert P. Thill, Town Clerk